

Hi Mike:

We did have conversations with HQ regarding your question: “if the FIP registration can be utilized to establish practicably enforceable conditions so that the facility can be a synthetic minor source for Title V without permitting through the minor source program?”

The EPA O&NG FIP Registration Part 1 form submitted by Williams indicates that you plan on constructing 3 additional 1317 HP engines for your facility and that only two engines will be equipped with oxidation controls. You indicate that all of the engines present at the source will meet of the applicable NSPS/MACT emission standards without any pollution control options, and that the oxidation controls are only being added to reduce the CO emissions to below 100 tpy in order to be able to avoid having to obtain an operating permit under the Part 71 permit program.

The EPA O&NG FIP is for true minor NSR sources and could be used to create practically enforceable conditions for the Part 71 permit program where RICE engines are actually required by EPA regulations (40 CFR Subpart ZZZZ or Subpart JJJJ) to install controls such as oxidation catalysts. However, in this instance, based on the information you have provided, the EPA O&NG FIP alone would not bring the source's CO emissions below 100 tpy. According to the information you have provided, reducing the source's emissions below 100 tpy would actually require the addition of the oxidation catalysts, outside of the EPA O&NG FIP or RICE engine regulatory requirements. Making the oxidation catalyst use enforceable on the two engines as a practical matter to limit the emissions to be a minor Part 71 source would require a minor or synthetic NSR permit.

Please let me know if you have any further questions.

Bonnie